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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,405	01/17/2002	Frank J. Gangi	34283-00010USP1	4099
30973	7590	03/12/2004	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			KIM, AHSHIK	
		ART UNIT		PAPER NUMBER
				2876

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/052,405	GANGI, FRANK J.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12/23/03 (RCE).
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-20 and 22-51 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8-20 and 22-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 March 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
37 CFR 1.114. Applicant's submission filed on December 23, 2003 has been entered.

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Drawings

2. Figure 4 (sheet 4/4) appears to be informal. Formal drawings will be required in response
to this Office Action or when the application is allowed

Supplemental Amendment

15 3. Receipt is acknowledged of the supplemental amendment filed on August 26, 2003. In
the amendment claims 1-7 were canceled, and claims 8-10, 14, 15, 17-20, 22-28, 31-40, and 42-
46 were amended. Currently, claims 8-20 and 22-51 remain for examination.

Claim Rejections - 35 USC § 102

20 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 5 5. Claims 8-20, and 22-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al. (US 6,282,522, “Davis” hereinafter).

Re claims 8, 9, 17, 24, 27, 29, 31, 35, 38-40, and 46-49, Davis teaches a system and the method for purchase and other transaction (see abstract). The infrastructure, as shown in figure 4 and 16, includes authentication server and customer database (col. 24, line 61 – col. 25, line 13) and payment server and transaction database. Input device used in the system varies from ATM machine to a point-of-sales terminal at retailers (col. 3, lines 26+).

Re claims 10, 32, 33, and 36, the database contains customer information such as customer’s name associated with the card (col. 25, lines 8+).

Re claims 11-13, 26, and 37, the ATM or the card reader integrated with POS terminal contains input device (card reader) and an output device such as display device or printer (col. 3, lines 26+).

Re claims 14 and 15, each transaction initiated by the user has a transaction ID (col. 13, lines 55+; col. 19, lines 49-64).

Re claims 16, the system includes various network to support transaction system over the Internet (col. 5, lines 55+; col. 10, lines 44-49).

Re claims 18, 42, and 43, the system interfaces with variety of input device for the users to enter their identification number or scan biometric information (col. 27, lines 36-48).

Re claims 19, 30, and 41, throughout the transaction, the users are notified with appropriate messages (col. 10, lines 53+). Further, messages are exchanged among the servers – payment, transaction, and merchant servers for completing transaction.

Re claims 20 and 28, the system also provides discount offer, awards and other incentives (col. 9, lines 15-29).

Re claims 22, 23, 34, 44, 45, 50, and 51, customer can select appropriate account for a given transaction. For a purchase, a customer's bank account may be used (col. 14, line 53 - col. 5 15, line 9). Or, purchase can be paid out of points account the customer accrued (col. 24, lines 54+). Bank accounts and frequent flyer account would contain not only consumer data, but provider information as well.

Re claim 25, authentication server 206' can be considered a central server with respect to customer's personal data (see figure 16).

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Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Harms et al. (US 6,070,147); Taylor (US 5,578,808) disclose a transaction card and the methods for utilizing transaction cards. Applicant is respectfully suggested to carefully 15 review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

20 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

25 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

30 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Art Unit: 2876

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim
Patent Examiner
Art Unit 2876
March 2, 2004

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MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800